

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)
Plaintiff,)
vs.) 4:05-CV-00329-TCK-SAJ
TYSON FOODS, INC., et al,)
Defendants.)

VOLUME I OF THE VIDEOTAPED
DEPOSITION OF INDRAJEET CHAUBEY, PhD, produced
as a witness on behalf of the Plaintiff in the above
styled and numbered cause, taken on the 27th day of
January, 2009, in the City of Tulsa, County of
Tulsa, State of Oklahoma, before me, Lisa A.
Steinmeyer, a Certified Shorthand Reporter, duly
certified under and by virtue of the laws of the
State of Oklahoma.

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Exhibit 3

1 **A** So if the total numbers that you measure at
2 Highway 59 bridge does not change, if that stayed
3 the same, then percentage of point source
4 contribution would decrease and percentage of
5 non-point source contribution would increase, but if
6 the numbers go down similarly, then you may have to
7 look at that data.

10:41AM

8 **Q** Okay. In your professional experience and
9 review of published literature, are you aware of any
10 published paper that contradicts the findings and
11 conclusions shown in Exhibit 8?

10:41AM

12 MS. LONGWELL: Object to form.

13 **A** No.

14 **Q** Based on the numbers on Table 2, Page 6 that
15 you talked about earlier, the 1.8 million kilograms
16 in 1997 versus the total input of 3.1 million
17 kilograms, and based upon your knowledge, skill and
18 education and training, including review of
19 published literature, do you have an opinion whether
20 poultry production practices of land applying waste
21 is a substantial contributor of the phosphorus to
22 the overall phosphorus loads within the watershed?

10:42AM

23 MS. LONGWELL: Object to form.

24 MR. GEORGE: Object to form, vague, calls
25 for an expert opinion that's not been found by this

10:43AM

1 witness.

2 A Yes.

3 Q And what would be that opinion?

4 MR. GEORGE: Same objection.

5 A Based on inputs, poultry litter is the 10:43AM
6 dominant source of phosphorus in the watershed.

7 Q All right. Is there anything else in your
8 knowledge, experience that you rely on in making
9 that opinion besides this Table 2?

10 MS. LONGWELL: Object to form. 10:43AM

11 A Other litter from this watershed and other
12 watersheds and published journals and reports from
13 others.

14 Q All right. Let's talk a little bit about some
15 terminology. Are you familiar with the term surface 10:44AM
16 runoff and -- well, let me just ask that. Are you
17 familiar with that term?

18 A Yes.

19 Q In a hydrologic concept, can you tell the
20 court what that means? 10:44AM

21 A What it means is when it rains, part of the
22 precipitation travels through the soil surface or
23 land surface, and that is primarily the surface
24 runoff. It can also represent some of the water
25 that travels partially through the subsurface but 10:44AM